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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,577	12/30/2003	Ju-Kil Lee	21C-0106	8080
23413	7590	07/13/2006		
CANTOR COLBURN, LLP 55 GRIFFIN ROAD SOUTH BLOOMFIELD, CT 06002			EXAMINER FIGUEROA, JOHN J	
			ART UNIT	PAPER NUMBER

1712

DATE MAILED: 07/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/748,577	LEE ET AL.	
	Examiner	Art Unit	
	John J. Figueroa	1712	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on May 1, 2006 & February 28, 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The objections to the specification and to claim 3 (items 1 and 2 on page 2 of the Office Action of November 30, 2005, hereinafter 'OA') have been withdrawn in view of Applicant's amendment to the specification and claims filed on May 1, 2006 and February 28, 2006 (hereinafter 'Amendment').
2. The 35 U.S.C. 102(b) rejection as anticipated by United States Patent Number (USPN) 4,294,751 to Gardner (item 4 on page 2 of OA) has been withdrawn in view of Amendment.
3. The 35 U.S.C. 102(e) rejection as anticipated by USPN 6,576,717 B1 to Kuo, (item 5 on page 3 of OA) has been withdrawn in view of Amendment.
4. The 35 U.S.C. 102(e) rejection in item 6 on page 4 of OA as anticipated by United States Patent Application Publication Number 2004/0044117 A1 to Keifer-Liptak et al., hereinafter 'Keifer-Liptak', is maintained for the reasons previously made of record in item 6 on page 4 of OA.

### ***Claim Rejections - 35 USC § 102***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
6. Claim 10 is rejected under 35 U.S.C. 102(e) as being anticipated by Keifer-Liptak.

Keifer-Liptak was discussed previously in item 6 on page 4 of OA and the arguments of the rejection are incorporated herein.

Keifer-Liptak discloses styrene as a particular example of an acryl monomer that can be used to form the acryl copolymer (page 2, paragraphs #0013 and #0018). Keifer-Liptak further discloses an acrylic-polyester resin copolymer composition in Example 3 that is formed from the polymerization of a previously prepared polyester, styrene and other acryl monomers, such as butyl acrylate, methacrylic acid and methyl methacrylate (page 4, paragraphs #33-34 and 37-38).

Thus, the claim is anticipated by Keifer-Liptak.

### ***Response to Arguments***

#### ***The 35 U.S.C. 112 Rejections (items 1 and 2 on page 2 of OA)***

7. Applicant's arguments regarding the objection to the specification and the 35 U.S.C. 112 rejection of claim 3 have been considered but have become moot in view of Amendment. Therefore, these rejections have been withdrawn.

#### ***The 35 U.S.C. 102 Rejection over Gardner (item 4 on page 2 of OA)***

8. Applicant's arguments filed regarding the 35 U.S.C. 102(b) rejection of claims 1, 3-5 and 7-9 as anticipated by Gardner have been considered but have become moot due to the withdrawal of this rejection in view of Amendment.

The 35 U.S.C. 102 Rejection over Kuo (item 5 on page 3 of OA)

9. Applicant's arguments filed regarding the 35 U.S.C. 102(b) rejection of claims 1, 3 and 4 as anticipated by Kuo have been considered but have become moot due to the withdrawal of this rejection in view of Amendment.

The 35 U.S.C. 102 Rejection over Keifer-Liptak (item 6 on page 4 of OA)

10. Applicant's arguments filed regarding the 35 U.S.C. 102(e) rejection of claims 1-9 as anticipated by Keifer-Liptak have been fully considered but have been found unpersuasive.

Applicant's arguments regarding Keifer-Liptak disclosing "that the acrylic copolymer is a polymer formed by combining various acrylic monomers" in contrast to the claimed resin composition which "is produced by a polymerization of a polyester resin and an acryl monomer" are misdirectional and inaccurate.

Keifer-Liptak discloses that the acrylic copolymer may be combined with the polyester in various processes, such as without phase separation by blending to form a homogeneous product, by forming interpenetrating polymeric networks, by graft polymerization via the addition of acrylic monomers to a previously prepared polyester followed by polymerization or, alternatively, by grafting the polyester onto an already-made acrylate copolymer. (See Keifer-Liptak, page 2, paragraphs #0014 to #0018) Thus, Keifer-Liptak does disclose a product "produced by a polymerization of a polyester resin and an acryl monomer."

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Moreover, independent claim 1 of the instant application is drawn to an "acryl-modified polyester resin composition produced by a polymerization of a polyester resin intermediate of formula (1) and an acryl monomer" having a recited formula and limited hydroxyl value. Thus, the composition/process limitations recited in claim 1 read on the composition/process described in, e.g., Example 3 of Keifer-Liptak as discussed *supra* in paragraph #6.

Accordingly, claims 1-9 are anticipated by Keifer-Liptak and the rejection is maintained.

### **Conclusion**

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

12. Applicant's amendment (addition of new claim 10) necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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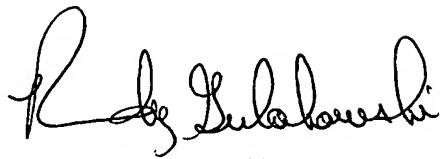
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J. Figueroa whose telephone number is (571) 272-8916. The examiner can normally be reached on Mon-Thurs & alt. Fri 8:00-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JJF/RAG

  
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